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Attorney for Plaintiffs  
 Cynthia and Anker Jacobsen

UNITED STATES DISTRICT COURT,  
 NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA JACOBSEN, ANKER  
 JACOBSEN,  
  
 Plaintiffs,  
  
 vs.

NATIONAL RAILROAD PASSENGER  
 CORPORATION doing business as  
 AMTRAK, and DOES 1 through 100,  
 inclusive,

Defendants.

No. 5:14-cv-03669-EJD

**DECLARATION OF DONALD C.  
 SCHWARTZ, ESQ. IN SUPPORT OF  
 MOTION TO WITHDRAW AS  
 COUNSEL FOR PLAINTIFFS**

Date: June 30, 2016

Time: 10:00 a.m.

Judge: Courtroom 5 – Judge Davila

I, Donald C. Schwartz, Esq., declare:

[1] I am counsel of record herein for plaintiffs Anker and Cynthia Jacobsen. If called as a witness, I could and would competently testify as follows:

[2] The plaintiffs have claimed that I am in a “conflict of interest” because I am representing the both of them (husband and wife) in the same action and “should have filed separate actions.”

[3] While it is common for attorneys to represent husband and wife couples in the same actions, I wish to honor their perspective and move to withdraw from the case.

[4] Plaintiffs are also not cooperating with me by refusing to provide the resources necessary for its prosecution as required by California law and by contract.

1 [5] I have advised plaintiffs to secure new counsel to represent them in this action, but  
2 they have failed to do so.

3 A stay of the proceedings would assist the plaintiffs in securing counsel without harm to  
4 their rights.

5 [6] For additional reasons for the Motion to Withdraw, I am willing to disclose in-  
6 camera.

7 THEREFORE, I respectfully request that this Court grant me leave to withdraw as counsel  
8 in the above-captioned matter and enter an order stating I am so withdrawn (and the Law Office  
9 of Donald C. Schwartz).

10 Dated: May 5, 2016

11 */s/ Donald Charles Schwartz*

12 \_\_\_\_\_  
13 Donald Charles Schwartz  
14 Attorney for Plaintiffs  
Cynthia and Anker Jacobsen

15 **CERTIFICATE OF SERVICE**

16 I, Donald C. Schwartz, hereby certify that on May 5, 2016, I caused a true and correct copy of  
17 the foregoing **DECLARATION OF DONALD C. SCHWARTZ, ESQ. IN SUPPORT OF**  
18 **MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS** to be filed on behalf of  
19 Plaintiffs Cynthia and Anker Jacobsen, with the Clerk of the Court using the Court's CM/ECF  
20 system, which will send automatic notification of the filing to the following counsel of record:

21 B. Clyde Hutchinson, Esq.  
22 Kara A. Abelson, Esq.  
23 Lombardi, Loper & Conant, LLP.  
24 Lake Merritt Plaza  
25 1999 Harrison Street, Suite 2600  
26 Oakland, CA 94612-3541  
27 Fax: 510-4332699

28 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
knowledge and that this declaration was executed on May 5, 2016 in Santa Cruz County, California.

*/s/ Donald Charles Schwartz*

\_\_\_\_\_  
Donald Charles Schwartz

**PROOF OF SERVICE BY MAIL/FACSIMILE/EMAIL**

I declare that I am employed in the County of Santa Cruz, California; that I am over the age of eighteen and am not a party to the foregoing action. My business address is 7960 Soquel Drive, No. 291, Aptos, CA 95003.

On the date shown below, I served the following document(s):

**DECLARATION OF DONALD C. SCHWARTZ, ESQ. IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL FOR PLAINTIFFS**

on each person named below by placing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown above following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid and by email.

Cindy Jacobsen  
P.O. Box 461  
Silverado, CA 92676

Anker Jacobsen  
P.O. Box 461  
Silverado, CA 92676

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on May 5, 2016 in Santa Cruz County, California.

*/s/ Donald Charles Schwartz*

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Donald Charles Schwartz